

Appn. No. 10/645,406
Docket No. 41PR-132813/GEN-0391

REMARKS / ARGUMENTS

In Paper No. 20050609, the Examiner indicates that Claims 1-18 are pending and are subject to a restriction according to the following groupings:

Group I, directed to Claims 1-14, as being drawn to a transformer assembly, and

Group II, directed to Claims 15-18, as being drawn to a method of operating a transformer.

At the outset, Applicant notes that the Examiner has considered only Claims 1-18, when the record clearly reflects that Claims 1-25 were originally filed and should therefore be pending.

In an effort to clarify the record, Kimberly Lawrence, Assistant for Applicant's Attorney's, telephoned the Examiner on July 8, 2005, and left a voicemail message explaining the discrepancy and requesting clarification on the matter.

In the absence of a response from the Examiner, Applicant responds herein under the belief that the Examiner intended the following groupings:

Group I, directed to Claims 1-14 and 20-25, as being drawn to a transformer assembly, and

Group II, directed to Claims 15-19, as being drawn to a method of operating a transformer.

If this is contrary to the Examiner's understanding, Applicant respectfully requests clarification thereof.

In response to the restriction requirement, Applicant herein elects Group I, directed to Claims 1-14 and 20-25, with traverse.

Applicant respectfully traverses the Election / Restriction requirement for the following reasons.

Applicant has provided herewith a Preliminary Amendment that removes the one-way distinctness necessary for a proper restriction under MPEP §806.05(e).

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Applicant has amended Claims 1, 3, 4, 15 and 17, and has added new Claims 26 and 27, thereby leaving Claims 1-27 for consideration upon entry of the present amendment.

More specifically, Applicant has added new independent Claim 26 from which original independent Claim 1 now depends, and has added new independent Claim 27 from which original independent Claim 15 now depends. Claims 3, 4 and 17 have been amended for proper antecedent language.

Newly added independent Claim 26 recites the structure of a transformer assembly and control signals for the control thereof. Applicant submits that Claim 26 should be included in Group I.

Newly added independent Claim 27 recites a method of controlling a transformer assembly having the same structure as that of Claim 26. Applicant submits that Claim 27 should be included in Group II.

No new matter has been added by this Preliminary Amendment as antecedent support may be found in the specification as originally filed, such as at Paragraphs [0011-0016] and at Figures 2 and 3 for example.

In view of the amendment, Applicant submits that the invention of Group I cannot be practiced without practicing the invention of Group II, and vice versa. Accordingly, one-way distinctness cannot be established.

Furthermore, in view of the amendment, and while the inventions of Groups I and II are directed to different statutory classes, Applicant submits that an examination of the invention of Group I will inevitably result in the search of art relating to the invention of Group II, since the art associated with the inventions of Groups I and II are related by their purpose.

Accordingly, and in accordance with MPEP §806.05(e) and §803, Applicant respectfully submits that not only is one-way distinctness not established, but also that a search and examination of Groups I and II may be made without serious burden to the Examiner, and that by removing the serious burden criteria, Applicant submits that a proper requirement for restriction is not established.

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For at least these reasons, this Restriction Requirement is wholeheartedly traversed, and removal of the Requirement with respect thereto is respectfully requested.

Consideration and allowance of these claims are respectfully requested. The foregoing is believed to be fully responsive to this office action.

The Examiner is invited to contact Applicant's Attorneys at the below-listed telephone number regarding this Preliminary Amendment or otherwise regarding the present application.

If there are any charges with respect to this amendment, or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's Attorneys.

Respectfully submitted,

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